



Entered on Docket
October 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Bundy Canyon (\$7.5 Million) Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Bundy Canyon (\$7.5 Million) Loan, [DE 8727] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Bundy Canyon (\$7.5 Million) Loan; and good
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8727] is sustained; and
5 2. The Proofs of Claim listed on **Exhibit A** attached are 80% disallowed and
6 20% allowed.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- Counsel appearing: _____
- _____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

| | |
|---|---|
| U.S. Trustee: <u>Augie Landis</u> | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: _____ | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust
Bundy Canyon (\$7.5 Million) Loan
Single Loan Claims

| Claim | Name | Address | Total Claim Amount Relating to the Bundy Canyon \$7,500,000 Loan | Amount Allowed | Amount Disallowed |
|--------------|---|--|---|---------------------------|------------------------------|
| 10725-00735 | Louise G Sherk Md Employee Benefit Plan Trust | C/O Robert Di Bias & Louise Sherk Ttees 3830 Ocean Birch Dr Corona Del Mar, CA 92625-1244 | 101,446.58 | 20,289.32 | 81,157.26 |
| 10725-02250 | Mcquerry Family Trust | 318 Singing Brook CIR Santa Rosa, CA 95409 | 103,033.92 | 20,606.78 | 82,427.14 |
| 10725-01781 | Rehberger Family Trust Dtd 6/17/92 | C/O Annemarie Rehberger PO Box 3651 Incline Village, NV 89450 | 50,000.00 | 10,000.00 | 40,000.00 |
| 10725-00248 | Timothy Folendorf Trust Dtd 3/21/00 | C/O Timothy Folendorf Trustee PO Box 2 Angels Camp, CA 95222-0002 | 50,000.00 | 10,000.00 | 40,000.00 |
| 10725-01450 | Triantos, Rory L | 13842 Malcom Ave Saratoga, CA 95070-5314 | 95,378.62 | 19,075.72 | 76,302.90 |

EXHIBIT A